

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF WEST VIRGINIA

SCOTT T. BALLOCK,

Plaintiff,

v.

CIVIL ACTION NO.: 1:17-CV-52
Honorable Irene M. Keeley

ELLEN RUTH COSTLOW,
STATE TROOPER MICHAEL KIEF,
and STATE TROOPER RONNIE M.
GASKINS.

Defendants.

DEFENDANT STATE TROOPER MICHAEL KIEF'S
PROPOSED VERDICT FORM

Defendant State Trooper Michael Kief ("Sgt. Kief"), by counsel, hereby submits the following proposed verdict form, a copy of which is being provided to the Court via email per the Scheduling Order.

Dated this 6th day of December, 2019.

Respectfully submitted,

/s/ Mark G. Jeffries

Mark G. Jeffries (WV Bar No. 11618)
STEPTOE & JOHNSON PLLC
400 White Oaks Boulevard
Bridgeport, WV 26330-4500
(304) 933-8000

mark.jeffries@steptoe-johnson.com

Montè L. Williams (WV Bar No. 9526)
STEPTOE & JOHNSON PLLC
P.O. Box 1616
Morgantown, WV 26507-1616
(304) 598-8000
monte.williams@steptoe-johnson.com

*Counsel for Defendant
State Trooper Michael Kief*

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JURY VERDICT FORM

Plaintiff Scott T. Ballock's Claims Against Defendant State Trooper Michael Kief

1) Do you find that Plaintiff Scott T. Ballock ("Plaintiff") established by a preponderance of the evidence all the essential elements of the tort of abuse of process under § 1983 against Defendant State Trooper Michael Kief? ¹

_____ YES

_____ NO

(Go to Question 2.)

2) Do you find that Plaintiff has proven by a preponderance of the evidence all the essential elements of his malicious prosecution claim under § 1983 against Defendant State Trooper Michael Kief?

_____ YES

_____ NO

(Go to Question 3.)

¹ Sgt. Kief has found no cases in the Fourth Circuit that recognize an abuse of process claim under § 1983. Sgt. Kief only submits this portion of this verdict form in the event that the Court finds a § 1983 abuse of process claim to be a viable cause of action.

3) Do you find that Plaintiff has proven by a preponderance of the evidence all the essential elements of the tort of abuse of process pursuant to West Virginia law against Defendant State Trooper Michael Kief?

_____ YES

_____ NO

(Go to Question 4.)

4) Do you find that Plaintiff has proven by a preponderance of the evidence all the essential elements of his claim for malicious prosecution under West Virginia law against Defendant State Trooper Michael Kief?

_____ YES

_____ NO

(Go to Question 5.)

5) Do you find by a preponderance of the evidence that Plaintiff has proven all the essential elements of his claim for civil conspiracy under § 1983 against Defendant State Trooper Michael Kief?

_____ YES

_____ NO

(Go to Question 6.)

6) Do you find by a preponderance of the evidence that Plaintiff established all the essential elements of tortious interference with contract under West Virginia law against Defendant State Trooper Michael Kief?

_____ YES

_____ NO

Complete this section only if you answered "Yes" to any Questions 1 through 6. If you answered "No" to all Questions 1 through 6, please have your Foreperson sign and date this verdict form and return it to the bailiff.

7) Having found in favor of Plaintiff in his claim(s) against Defendant State Trooper Michael Kief, what amount of damages, if any, do you award to Mr. Ballock under the facts of this case and in light of the Court's instructions?

a) Economic damages (only if you answered "Yes" to Question 6)

\$ _____

b) Non-economic damages

\$ _____

Please have your Foreperson sign and date this verdict form and return it to the bailiff.

JURY FOREPERSON

DATE

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CERTIFICATE OF SERVICE

I hereby certify that on the 6th day of December, 2019, I electronically filed the foregoing "Defendant State Trooper Michael Kief's Proposed Verdict Form" with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following:

Charles J. Crooks, Esquire
Crooks Law Firm PLLC
244 Pleasant Street
Morgantown, WV 26505
Counsel for Plaintiff

P. Todd Philips, Esquire
Lyons Phillips Legal Group PLLC
141 Walnut Street
Morgantown, WV 26505
Counsel for Defendant Ellen Ruth Costlow

s/ Mark G. Jeffries

Mark G. Jeffries (WV Bar No. 11618)
STEPTOE & JOHNSON PLLC
400 White Oaks Boulevard
Bridgeport, WV 26330-4500
(304) 933-8000
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